

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RODNEY RODGERS,

Plaintiff,

VS.

MAJOR HUTCHINSON,

Defendant.

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CIVIL ACTION NO. C-08-263


MEMORANDUM OPINION AND ORDER OF TRANSFER

In this civil rights action brought pursuant to 42 U.S.C. § 1983, plaintiff, an inmate at TDCJ-CID's Polunsky Unit in Livingston, Texas, located in Polk County, claims that prison officials employed at the Polunsky Unit, have failed to protect him from a risk of harm by other inmates (D.E. 1). Polk County is located in the Eastern District of Texas, Lufkin Division. 28 U.S.C. § 124(c)(6).

Venue in federal question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). A district court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. 28 U.S.C. §§ 1404, 1406; Balawajder v. Scott, 160 F.3d 1066, 1067 (5th Cir. 1998). The alleged events giving rise to plaintiff's claims occurred in Polk County, and the officials involved live and work in Polk County. The events have no connection to Corpus Christi, and the defendants are not found here. The interests of justice require a transfer.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Eastern District of Texas, Lufkin Division. All pending motions are denied as moot, subject to re-urging after this action is transferred .

ORDERED this 5th day of August, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE